

04-R-0066

A RESOLUTION BY

CITY UTILITIES COMMITTEE

A RESOLUTION TO AUTHORIZE PAYMENT OF STIPULATED PENALTIES IMPOSED BY THE ENVIRONMENTAL PROTECTION AGENCY (EPA) AND THE ENVIRONMENTAL PROTECTION DIVISION OF THE DEPARTMENT OF NATURAL RESOURCES OF THE STATE OF GEORGIA (EPD) IN THE AMOUNT OF EIGHT THOUSAND FIVE HUNDRED DOLLARS AND 00/100 (\$8,500.00) AND FIVE THOUSAND DOLLARS AND 00/100 (\$5,000) AS STIPULATED PENALTIES FOR THE VIOLATION OF CSO FECAL COLIFORM OPERATIONAL STANDARDS AT THE TANYARD CSO FACILITY AND THE NORTH AVENUE CSO FACILITY ON NOVEMBER 24, 2003 PURSUANT TO THE CSO CONSENT DECREE, CIVIL ACTION FILE NO. 1:95-CV-2550-TWT; TO IDENTIFY THE SOURCE OF FUNDING; AND FOR OTHER PURPOSES.

WHEREAS, the City has experienced a violation of Fecal Coliform Operational Standards as set out in Exhibit "A" hereto; and

WHEREAS, this violation is subject to stipulated penalties imposed at the discretion of the Environmental Protection Agency (EPA) and the Environmental Protection Division of the Department of Natural Resources of the State of Georgia (EPD) pursuant to the CSO Consent Decree, Civil Action File No. 1:95-CV-2550-TWT Paragraphs XI.D.2; and

WHEREAS, the Department of Watershed Management of the City does not dispute the fact this violation of CSO Fecal Coliform Operational Standards did occur; and

WHEREAS, the payment to EPA and EPD of this assessment by the City does not constitute a finding or adjudication, is not to be evidence of a violation of state or federal laws by the City, nor does the City by its consent agree to any violations of state or federal laws or admit any liability to any third party or parties; and

WHEREAS, funds for this purpose are available in account number 2J01 529017 Q31001; and

WHEREAS, the CSO Consent Decree, Section XI. O. similarly provides for payment of interest on late payment of stipulated penalties; and

WHEREAS, it is deemed to be in the interest of the City to accept the proposed stipulated penalties and to pay the incident assessments to them.

NOW, THEREFORE, BE AND IT IS RESOLVED BY THE COUNCIL OF THE CITY OF ATLANTA, as follows:

Section One: That the Chief Financial Officer of the City is authorized to issue checks for the Tanyard Creek CSO Facility violation in the amounts of Four Thousand Two Hundred Fifty Dollars and 00/100 (\$4,250.00) payable to the **State of Georgia** and Four Thousand Two Hundred Fifty Dollars and 00/100 (\$4,250.00) payable to the **Treasurer, United States of America** as stipulated penalties imposed pursuant to the CSO Consent Decree at the discretion of the Environmental Protection Agency and the Environmental Protection Division of the Department of Natural Resources of the State of Georgia; and

Section Two: That the Chief Financial Officer of the City is authorized to issue checks for the North Avenue CSO Facility violation in the amounts of Two Thousand Five Hundred Dollars and 00/100 (\$2,500.00) payable to the **State of Georgia** and Two Thousand Five Hundred Dollars and 00/100 (\$2,500.00) payable to the **Treasurer, United States of America** as stipulated penalties imposed pursuant to the CSO Consent Decree at the discretion of the Environmental Protection Agency and the Environmental Protection Division of the Department of Natural Resources of the State of Georgia; and

Section Three: That the said payments be chargeable to Account Number 2J01 529017 Q31001.

EXHIBIT B

The City is subject to stipulated penalties for violations of the CSO Consent Decree, Section XI.D.2 as follows:

Section XI.D.2. Fecal Coliforms, November - April

Date	Facility	Colonies/100 ml	Penalty	Comment
11/24/03	Tanyard CSO	90,909	\$8,500	
11/24/03	North Avenue CSO	27,000	\$5,000	

RCS# 5346
1/20/04
1:39 PM

Atlanta City Council

Regular Session

MULTIPLE

04-O-0051 AND 04-R-0066

FILE

YEAS: 10
NAYS: 0
ABSTENTIONS: 0
NOT VOTING: 3
EXCUSED: 0
ABSENT 3

Y Smith	Y Archibong	Y Moore	Y Mitchell
Y Starnes	B Fauver	Y Martin	Y Norwood
Y Young	Y Shook	NV Maddox	Y Willis
B Winslow	NV Muller	B Boazman	NV Woolard

MULTIPLE

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(Do Not Write Above This Line)

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FILED BY
CITY COUNCIL

- ☐ CONSENT REFER JAN 20 2004
- ☐ REGULAR REPORT REFER
- ☐ ADVERTISE & REFER
- ☐ 1st ADOPT 2nd READ & REFER
- ☐ PERSONAL PAPER REFER

Date Referred

Referred To:

Date Referred

Referred To:

Date Referred

Referred To:

First Reading

Committee _____
Date _____
Chair _____
Referred To _____

Committee

Date

Chair

Action

Fav, Adv, Hold (see rev. side)

Other

Members

Members

Fav, Adv, Hold (see rev. side)

Other

Members

Refer To

Refer To

Committee

Date

Chair

Action

Fav, Adv, Hold (see rev. side)

Other

Members

Members

Fav, Adv, Hold (see rev. side)

Other

Members

Refer To

Refer To

FINAL COUNCIL ACTION

☐ 2nd ☐ 1st & 2nd ☐ 3rd

Readings

☐ Consent ☐ V Vote ☒ RC Vote

CERTIFIED

JAN 20 2004

JAN 20 2004

CERTIFIED

Richard D. Long
MUNICIPAL CLERK

MAYOR'S ACTION